Regd. No. M.—1175

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 6893—*J. S.* 1-39-8, *dated Bangalore,* 18*th June* 1940.

Under the provisions of Section 248 of the Mysore Companies Act, XVIII of 1938, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules with respect to the appointment of the Registrar of Joint Stock Companies and the duties to be performed by him :—

1. The Excise Commissioner and *Ex-officio* Inspector-General of Registration shall be the *Ex-officio* Registrar of Joint Stock Companies in Mysore and the Headquarters Assistant to the Excise Commissioner, the *Ex-officio* Assistant Registrar at headquarters. The Deputy Commissioners of districts shall be *Ex-officio* Assistant Registrars in the respective Districts.

2. The Registrar may authorise the Assistant Registrar at headquarters to register any company or any documents registerable by the Registrar and to perform

such other duties in the office as he may deem fit in his discretion.

3. All Assistant Registrars shall be subordinate to the Registrar of Joint Stock Companies who shall exercise a general supervision over all these officers.

4. The office of the Registrar shall be at Bangalore, and shall be open for business (Sundays, and general holidays notified as such by the Government of His Highness the Maharaja, excepted) between the hours of 11 A.M. and 4-30 P.M.

5. The Registrar shall, on payment of a fee of Re. 1 for each inspection, permit any person to make an inspection of such registers, records or documents as, under the Act, he is entitled to inspect. But he shall not permit any person to make or cause to be made any copy of any document and he may permit only such details to be copied as are not, in his opinion, objectionable.

6. The Registrar shall, on the application of any person, grant certificates of incorporation of any company on payment of Rs. 3 per certificate, and copies or extracts of any other document that may be granted under the Act, on payment of six annas for every 100 words, or fractional part thereof, to be copied.

NOTE.—Where an application is made for a certified copy and a printed form is supplied by the applicant for the preparation of such a copy, only the portion added in manuscript in the certified copy shall be charged for at the ordinary rates for copying and in addition, a fixed fee of six annas shall be levied for comparing and certifying each copy where the total number of words, including the printed matter, exceeds 100.

Receipts.

7. The Registrar shall, in respect of every payment made to him, grant a receipt under his hand specifying in such receipt the document or documents in respect of which the fee is paid.

Filing, registering and recording documents.

8. The Registrar shall not file, register or record any document or fact, in respect of which a fee is legallly payable, until the said fee has been received and shall, pending the receipt of such fee, act in the same way as if no such document had been tendered for filing, registration or record.

Inspection, etc., of Registered Offices, or principal places of business of Companies.

9. The Registrar may, in his discretion, institute such inquiries or make such investigations in respect of any matter as may, in his opinion, be necessary for the proper performance of his duties and the due administration of the Act.

The Deputy Commissioners and *Ex-officio* Assistant Registrars, shall, within their respective districts, visit the registered offices of companies and of the principal places of business of companies for the purpose of seeing that the provisions of the Act in respect of the maintenance of books, registers and documents, and especially the provisions of Sections 72, 73, 130, 136 and 277 L. of the Act have been complied with.

Inspections of offices situated in Bangalore City will be conducted by the Assistant Registrar at the headquarters.

NOTE.—The Registrar may, in his discretion, inspect any company situated anywhere in the State whenever necessary.

10. Whenever any case of non-compliance with the provisions of the Act comes to the knowledge of the Registrar, he may refer the papers to the *Ex-officio* Assistant Registrar of the district in which the registered office of the company is situated to take the necessary steps for the recovery of the prescribed penalties. The Assistant Registrar or a person authorised by him in writing in this behalf, either generally or for the purpose of the particular case, may institute and conduct any prosecution under the Act.

Legal Assistance.

11. The Registrar, shall, for proceedings in respect of acts or defaults under the Act, be entitled to the assistance of the law officers of Government.

12. The privilege of securing the services of the law officers of Government without Government intervention, conferred on the Registrar by Rule 10 *supra*, extends only to the particular class of cases referred to, *viz.*, the institution of proceedings in respect of acts or defaults under the Act. But in other matters, *e.g.*, in obtaining advice on legal points, he should consult the law officers through the Government.

Seal.

13. Every certificate or copy granted under the provisions of the Act, shall, in addition to being signed and dated by the Registrar or Assistant Registrar, bear his seal.

14. The seal to be used shall bear the words "Registrar of Joint Stock Companies in Mysore."

15. The Registrar shall scrutinize the memorandum and the articles of association of any company applying for registration and the other documents which are required to be forwarded to him by any registered company;

and he shall satisfy himself that they are in conformity with the provisions of the law.

16. The Registrar shall keep in his office a book called "The Register of Joint Stock Companies." In this Register he shall enter (1) the names of companies and (2) the other necessary particulars in the order of their registration and shall number them consecutively. Ten pages in the register shall be allotted to each company registered. In pages allotted to each company, the Registrar or the Assistant Registrar shall enter a note of every registration effected or record made relating to the company and he shall affix the date and his signature to each note.

17. On every document registered, recorded or filed, shall be endorsed the following particulars:—

(1) The number borne by the company on the register.
(2) The name of the company.
(3) The name of the document.
(4) The date of registration, recording or filing.

The Registrar shall affix his signature thereto.

18. When a document is registered, recorded or filed, the Registrar shall give intimation of the same to the company in the forms approved by Government.

19. With respect to each company, the Registrar shall maintain a "Register of Mortgages or Charges" and shall keep a chronological index of the mortgages or charges in the forms prescribed from time to time by Government under Sections 112 and 113, respectively, of the Mysore Companies Act, XVIII of 1938.

Administration Report.

20. The Registrar shall submit to Government, so as to reach them on or before the 15th May of each year, a report on the working of the Mysore Companies Act during the year ending the 31st March preceding.

Preservation and destruction of Records.

21. The documents of each company shall be placed together in a separate file and kept distinct from those of other companies.

22. The Register of Companies and the chronological Index of Mortgages and Charges (Section 113) shall be preserved permanently.

23. All other documents and correspondence relating to companies and societies and the Register of Mortgages, referred to in Section 112 of the Mysore Companies Act,

and other records shall be preserved for such period or destroyed as the Registrar may from time to time direct.

24. An extract from the Register of Companies in respect of each district shall forthwith be sent by the Registrar to the respective *Ex-officio* Assistant Registrar to enable him to discharge his duties under the Act and under Rule 8 of these Rules. Similar extract in respect of every company subsequently registered shall be sent at the time of such registration to enable the Assistant Registrar to maintain his District Register up-to-date.

No. A. F. 6907—*P. & T.* 32-39-2, *dated Bangalore, the* 18*th June* 1940.

In exercise of the powers vested in them under Section 13 (2) (iii) of the Mysore Wireless Telegraphy Act, IV of 1937, the Government of His Highness the Maharaja of Mysore are pleased to make the following modifications in the rules under the Act in respect of the fee to be levied for licenses to possess broadcast receivers, etc.

1. Delete para 2 of rule 6 beginning with "In the case of licenses, etc.," and ending with the words "After the date of expiry" and substitute the following in its place:—

In the case of Commercial Broadcast Receiver Licenses, a fee of Rs. 25 is payable for each license issued and this permits the use of one wireless set and one loud speaker. An additional fee of Rs. 10 is payable for each additional receiver or loud speaker. The renewal fee for this license is Rs. 5 less than that of the original license, provided the expiring license is presented with the fee for renewal before the date of expiry, *i. e.*, Rs. 20 for one programme at a time and one loud speaker, Rs. 30 for one programme at a time and two loud speakers, etc.

In the case of licenses for wireless demonstration, the fee payable will be Rs. 5 per annum.

N. B.—A set consisting of several parts may be treated as one receiver, provided arrangements are made to reproduce only one programme at a time.

2. The following rules shall be added after the rule 16 of the rules as rule 17; the existing rules 17, 18 and 19 shall be renumbered 18, 19 and 20:—

If a person possesses any wireless receiving apparatus without the requisite license or continues to possess any such apparatus after the expiry of his license without obtaining a fresh license, on renewal, he shall be liable to pay, on demand by any officer duly appointed by the licensing authority in this behalf, a surcharge of Rs. 20 in the case of broadcast receiver license, and Rs. 50 in the case of a commercial broadcast receiver license in addition to the fee for the necessary license required. The licenses shall be issued from the date the apparatus was kept in possession without a license.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. T. 3845—*R. T.* 38-39-15, *dated Bangalore,* 18*th June* 1940.

The Government of His Highness the Maharaja are pleased to direct that the two check gates opened at Kenchenahalli and Sarathi in the Harihar Sub-Taluk, Chitaldrug District, temporarily for a period of three months under Notification No. T. 2144—R. T. 38-39-10, dated 27th January 1940, be continued for a further period of six months from 19th May 1940.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

No. 6676—L. C., Bangalore, dated 19th June 1940.

In continuation of Notification No. 6267—L. C., dated 31st May 1940, publishing the Report of the Select Committee on the Mysore Sales of Motor Spirit Taxation Bill, it is hereby published for general information that Mr. B. R. Puttananjappa has signed the Report of the Select Committee on the Mysore Sales of Motor Spirit Taxation Bill on 7th June 1940, subject to the following Note:—

Note.

Section 23 specifies that any suit, prosecution or other proceedings against any officer or servant of Government in respect of an act done or purporting to be done under the Act can be instituted only within six months from the date of the act complained of. But according to section 22, the aggrieved party will have to obtain sanction of Government before filing such suit, prosecution or other proceeding. The Bill has not provided that, while computing the date of six months under section 23, the time taken for obtaining the sanction of Government under section 22 should be excluded. I am of opinion that it is necessary to remedy this omission as otherwise hardship may in some cases be caused to aggrieved parties.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

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